

REMARKS

Applicants have considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter as set forth below.

It is noted that the amendment to claim 29 is to correct a typographical error made in the amendment filed August 31, 2007.

The outstanding rejections are as follows:

- (1) Claims 1-4, 15-18, 23-26, 37-40, 47-52, 55-56 and 66-67 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,540,864 (Michael);
- (2) Claims 1-4, 11-12, 15-18, 23-30, 37-40, 47-52, 55-56 and 66-68 under 35 U.S.C. §103(a) over U.S. Patent No. 5,849,681 (Neumiller '681);
- (3) Claims 9-10, 13-14, 19-22, 35-36, 45-46 and 57-58 under 35 U.S.C. §103(a) as unpatentable over Neumiller '681 as applied to the above claims, and further in view of U.S. Patent No. 5,716,921 (Neumiller '921);
- (4) Claims 1-4, 11-12, 15-18, 23-30, 37-40, 47-52, 55-56, 59-60, 62-63 and 65-71 under 35 U.S.C. §103(a) over EP 0 527 625 A2 (Cummings);

- (5) Claims 11-12, 27-30, 35-36, 69 and 70 under 35 U.S.C. §103(a) over Michael as applied to the above claims;
- (6) Claims 9-10, 13-14, 19-22, 45-46 and 57-58 under 35 U.S.C. §103(a) over Michael as applied to the above claims, and further in view of Neumiller '921;
- (7) Claims 9-10, 13-14, 19-22, 35-36, 45-46 and 57-58 under 35 U.S.C. §103(a) over Cummings as applied to the above claims, and further in view of Neumiller '921;
- (8) Claims 1-4, 11-12, 15-18, 23-30, 37-40, 47-52, 55-56 and 59-71 under 35 U.S.C. §103(a) over WO 99/11123 (Conway);
- (9) Claims 9-10, 13-14, 19-22, 35-36, 45-46 and 57-58 under 35 U.S.C. §103(a) over Conway as applied to the above claims, and further in view of Neumiller '921;
- (10) Claims 59-65, 68 and 71 under 35 U.S.C. §103(a) over Michael as applied to the above claims, and further in view of Conway;
- (11) Claims 59-65 under 35 U.S.C. §103(a) over Neumiller '681 as applied to the above claims, and further in view of Conway; and

(12) Claims 61 and 64 under 35 U.S.C. §103(a) over Cummings as applied to the above claims, and further in view of Conway.

Initially, applicants note that independent claims 1, 2 and 62 have been amended as to the low volatile non-VOC evaporative organic solvent. In addition to having a limited water solubility of 20%, the solvent reduces the surface tension of the composition to less than 35 dynes/cm. Support is present in the specification at page 5, paragraphs 0015 and 0018, wherein at 4% by weight, diethylene glycol monohexyl ether, dipropylene glycol n-butyl ether, diethylene glycol monobutyl ether acetate, tripropylene glycol butyl ether and 2-ethyl-1,3-hexandiol reduce the surface tension of the composition to less than 35 dynes/cm.

Claims 1, 2 and 62 are the only pending independent claims and are directed to hard surface cleaning compositions including a particular combination of components wherein the compositions have less than about 4% by weight volatile organic compound (VOC) content. Dependent claims 66-71 further define the VOC content as 3% by wt. or less and about 1% by wt. or less. The compositions include a specified combination of components, namely (1) at least one low-volatile non-VOC evaporative organic solvent that has limited solubility in water of less

than 20% and reduces surface tension of the composition to less than 35 dynes/cm, (2) at least one amphoteric surfactant, (3) at least one co-solvent different from (1), (4) at least one aliphatic alcohol, and (5) an aqueous carrier. The claimed cleaning compositions provide acceptable cleaning without streaking or hazing in the absence of a high amount of volatile compounds. The applied art does not recognize any criticality in the claimed combination of components, in particular in providing a low volatile, non-VOC, evaporative, organic solvent with limited solubility in water of less than 20% and serving to reduce surface tension of the composition to less than 35 dynes/cm. The cleaning composition based on the claimed combination has a VOC content of less than 4% by weight, much less teach such combinations with a VOC content of 3% by weight or less or about 1% by weight or less. When considered as a whole, the teachings of the applied references do not teach or suggest the claimed compositions.

As to the rejection denoted as (1) above of claims 1-4, 15-18, 23-26, 37-40, 47-52, 55-56 and 66-67 under 35 U.S.C. §102(b) as anticipated by Michael, Michael does not teach each and every claimed element. In particular Michael does not teach the defined low volatile non-VOC evaporative organic solvent that has limited solubility in water of less than 20% and reduces surface tension of the composition to

less than 35 dynes/cm. The Examiner relies on Formula 6 in column 12 of Michael as anticipating the claimed composition. The solvent present in Formula 6, i.e. propylene glycol monobutyl ether only serves to reduce surface tension of the composition to 36 dynes/cm. Thus, Michael does not teach the claimed low volatile solvent or recognize any criticality in providing a combination of components as claimed to achieve the claimed VOC content in a cleaning composition. Accordingly, Michael does not teach each and every element of the invention as claimed and, therefore, does not anticipate the claimed composition within the meaning of 35 U.S.C. §102 as to the denoted claims. Withdrawal of the §102 rejection is requested.

As to the rejection denoted as (2) above of claims 1-4, 11-12, 15-18, 23-30, 37-40, 47-52, 55-56 and 66-68 under 35 U.S.C. §103(a) over Neumiller '681, the Examiner acknowledges that Neumiller '681 fails to specifically disclose a composition comprising an amphoteric surfactant and the combination of amphoteric and anionic surfactants as claimed, but simply states that such addition would be obvious in order to adjust the surface tension of the composition taught in Neumiller '681. Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art at the time of the

invention to incorporate an amphoteric surfactant or the combination of anionic and amphoteric surfactants as asserted by the Examiner to adjust the surface tension of the composition as taught by Neumiller '681 and obtain applicants' claimed composition. Neumiller '681 in addition to not teaching or suggesting an amphoteric surfactant does not recognize the problem addressed by applicants, in particular no criticality is recognized regarding the VOC content or the VOC content in combination with the defined low volatile non-VOC evaporative organic solvent. There is no basis for modifying the composition described in Neumiller '681 to provide the combination as claimed by applicants. If it was desired to modify the surface tension of the composition as taught in Neumiller '681, one skilled in the art would use one of the surfactants taught therein as being compatible with the other components and not use a different surfactant not recognized as compatible. Applicants respectfully submit that the Examiner's assertion is possible only through hindsight of knowing applicants' desirable combination. Accordingly, Neumiller '681 does not render the invention as claimed obvious within the meaning of 35 U.S.C. §103(a). Withdrawal of the §103 rejection is respectfully requested.

Dependent claims 9-10, 13-14, 19-22, 35-36, 45-46,

and 57-58 are rejected, as denoted as (3) above, under 35 U.S.C. §103(a) over Neumiller '681 and further in view of U.S. Patent No. 5,716,921 (Neumiller '921).

Applicants reassert the grounds of distinctions as set forth above as to Neumiller '681 with regard to independent claims 1 and 2. Claims 9-10, 13-14, 19-22, 35-36, 45-46 and 57-58 are dependent on claim 1 or claim 2. Neumiller '921 does not make up for each of the shortcomings of Neumiller '681 and does not contain any teaching or suggesting to modify the teachings thereof in order to provide the compositions as claimed. Neumiller '921 is relied on for suggesting an additional dependent claim limitation regarding the amphoteric surfactant disodium cocoamphodipropionate.

Thus, Neumiller '681 and Neumiller '921 do not teach or suggest the claimed combination of components, in particular the low-volatile non-VOC solvent with a limited water solubility of less than 20% and the capacity to reduce surface tension of the composition to less than 35 dynes/cm, together with an amphoteric surfactant and aliphatic alcohol in a composition with a VOC content of less than 4% by weight, or more particularly a VOC content of 3% by wt. or less, or about 1% by wt. or less.

Accordingly, the claims as rejected under 35

U.S.C. §103 over Neumiller '681 and Neumiller '921 are not rendered obvious within the meaning of §103. Withdrawal of the §103 rejection is requested.

As to the rejection denoted as (4) above of claims 1-4, 11-12, 15-18, 23-30, 37-40, 47-52, 55-56, 59-60, 62-63 and 65-71 under 35 U.S.C. §103 over Cummings, the Examiner acknowledges that Cummings fails to specifically disclose a composition comprising an amphoteric surfactant and the combination of amphoteric and anionic surfactants, and the VOC content of the composition which is less than 4% by weight, or 3%, or about 1% by weight or less. The Examiner asserts that it would be obvious to incorporate an amphoteric surfactant or combination of amphoteric and anionic surfactants because Cummings suggests their combination as suitable surfactants, and that the VOC content is obvious as mere optimization through routine experimentation. Applicants' respectfully submit that it would not have been obvious to one of ordinary skill in the art at the time of the invention to incorporate an amphoteric surfactant or the combination of anionic and amphoteric surfactants to the composition of Cummings and to provide a composition with the VOC content as claimed in that Cummings does not teach or suggest a cleaning composition including an amphoteric surfactant in

combination with the claimed VOC content and the claimed defined solvent, i.e., a low-volatile non-VOC evaporative organic solvent that has limited solubility in water of less than 20% and reduces surface tension of the composition to less than 35 dynes/cm. Cummings does not recognize the problem being addressed by applicants and, therefore, does not recognize any criticality in providing the limitations in combination as claimed, i.e., the particular surfactant (at least an amphoteric surfactant), defined VOC content and solvent with defined properties, in particular the surface reduction capacity as claimed. Accordingly, Cummings does not render the invention as claimed obvious within the meaning of 35 U.S.C. §103(a). No suggestion is present to one skilled in the art to selectively modify these elements to provide the properties claimed to achieve the composition as claimed. Withdrawal of the §103 rejection denoted as (4) above is respectfully requested.

Dependent claims 11-12, 27-30, 35-36, 69 and 70, denoted as (5) above, are rejected under 35 U.S.C. §103(a) over Michael. Applicants reassert the grounds of distinction as set forth above as to Michael with regard to independent claims 1 and 2. The above-noted claims are dependent on claim 1 or claim 2. Michael does not provide any suggestion to modify the teachings thereof in order to

provide the compositions as claimed. More particularly, there is no suggestion to select only certain isolated parts from the variety of components and amounts disclosed in Michael in view of Michael's lack of recognition of the problem and lack of recognition of the combination of solvents as claimed, i.e., at least one aliphatic alcohol and the low volatile non-VOC evaporative organic solvent with defined solubility of less than 20% and capacity to reduce the surface tension of the composition to less than 35 dynes/cm and provide a composition with a VOC content of less than 4% by weight. In view of not appreciating the problem, there is no basis provided by Michael itself to motivate one skilled in the art to select workable components in workable amounts as opposed to selecting non-workable components or non-workable amounts and provide a combination as claimed.

Accordingly, the claims as rejected under 35 U.S.C. §103 over Michael are not rendered obvious within the meaning of §103. Withdrawal of this §103 rejection is requested.

Dependent claims 9-10, 13-14, 19-22, 45-46 and 57-58, denoted as (6) above, are rejected under 35 U.S.C. §103(a) over Michael and further in view of Neumiller '921.

Applicants reassert the grounds of distinction as set forth

above as to Michael with regard to independent claims 1 and 2. Claims 9-10, 13-14, 19-22, 45-46 and 57-58 are dependent on claim 1 or claim 2. Neumiller '921 is relied on for teaching an additional dependent claim limitation regarding the amphoteric surfactant disodium cocoamphodipropionate. Neumiller '921 does not make up for the shortcomings of Michael.

There is no suggestion to select only isolated parts from the various components and amounts disclosed in Michael in view of the lack of recognition of the criticality as to the combination of components as claimed by applicants and the lack of teaching or suggestion, in particular, as to the claimed combination of solvents of at least one aliphatic alcohol and low volatile non-VOC evaporative solvent with defined solubility of less than 20% and capacity to reduce surface tension of the composition to less than 35 dynes/cm and also provide a composition with a VOC content of less than 4% by weight. There is no basis provided by Michael or Neumiller '921 suggesting one skilled in the art to select workable components in workable amounts as opposed to selecting non-workable components or non-workable amounts and provide the combination as claimed. In making a determination of obviousness, it is essential to provide some basis which leads one skilled in the art to

achieve the claimed combination. None of the applied references provide such teaching or suggestion.

Accordingly, the claims as rejected under 35 U.S.C. §103 over Michael and Neumiller '921 are not rendered obvious within the meaning of §103. Withdrawal of this §103 rejection is requested.

Dependent claims 9-10, 13-14, 19-22, 35-36, 45-46 and 57-58 are rejected under 35 U.S.C. §103(a) over Cummings in view of Neumiller '921, denoted as (7) above. Applicants reassert the grounds of distinction as set forth above as to Cummings with respect to independent claims 1 and 2. The above-listed claims are dependent on claim 1 or claim 2. Neumiller '921 is relied on for teaching the additional limitations of the dependent claims. Neumiller '921 does not make up for the shortcomings of Cummings.

No teaching or suggestion is provided to select isolated components and provide them in a combination so as to achieve the claimed composition. No criticality is recognized in combining a low volatile non-VOC evaporative organic solvent with limited water solubility of less than 20% and reducing surface tension in the composition to less than 35 dynes/cm in combination with an amphoteric surfactant and aliphatic alcohol to achieve a cleaning composition having a VOC content of less than 4% by weight.

Accordingly, applicants respectfully submit that the combination of Cummings and Neumiller '921 do not render the claims as rejected thereunder obvious within the meanings of 35 U.S.C. §103. Withdrawal of the §103 rejection is therefore requested.

As to the rejection denoted as (8) above of claims 1-4, 11-12, 15-18, 23-30, 37-40, 47-52, 55-56 and 59-71 under 35 U.S.C. §103(a) over Conway, the Examiner acknowledges that Conway fails to specifically disclose an aqueous cleaning composition which comprises ethylene glycol n-hexyl ether, amphoteric and anionic surfactants, isopropanol, propylene glycol or monoethanolamine in the amounts as claimed and wherein the composition has a VOC content which is 4% by weight or less as claimed but submits that such components would be obvious to provide in optimum amounts and that the VOC content would be an obvious selection based on optimization of a result effective variable. Applicants submit that it would not have been obvious to one of ordinary skill in the art at the time of the invention to prepare an aqueous cleaning composition comprising ethylene glycol n-hexyl ether, amphoteric and anionic surfactants, isopropanol, propylene glycol or monoethanolamine in the amounts as claimed and wherein the composition has a VOC content which is 4% by weight or less

as claimed based on mere optimization since Conway does not provide any recognition of the problem being addressed by applicants. Thus, no guidance or suggestion is provided as to picking and choosing select components, in select amounts to achieve a defined VOC content in order to achieve the particular combination claimed by applicants. Conway teaches ranges considered optimum. Such ranges include up to 10% aliphatic alcohol and up to 5% of secondary alcohols.

Thus, Conway provides a composition useful as a hard surface cleaner which can have a VOC content of as much as 15% based on these components alone. In the absence of other teaching, no suggestion is provided to obtain a VOC content as claimed. To the extent Conway provides examples of a composition with a VOC content of a lesser amount, such compositions do not include the claimed amphoteric surfactant. The assertion of the Examiner is based on a selection of isolated components set forth in Conway and further modifying these components in order to achieve applicants' composition as claimed. No teaching or suggestion is present as to how to "optimize" the components set forth in the Conway to obtain the particular combination as claimed. Accordingly, Conway does not render the invention as claimed obvious within the meaning of 35 U.S.C. §103(a). Withdrawal of the §103 rejection is respectfully

requested.

As to the rejection denoted as (9) above, dependent claims 9-10, 13-14, 19-22, 35-36, 45-46, and 57-58 are rejected under 35 U.S.C §103 over Conway in view of Neumiller '921. Applicants resubmit the grounds for distinction as set forth above as to Conway and Neumiller '921 regarding claims 1 and 2, upon which the above claims are dependent. As set forth above, each of Cummings and Neumiller '921 are deficient in teaching or suggesting the limitations of the base claims and, thus, remain deficient in teaching or suggesting the claims dependent thereon. Withdrawal of this rejection under 35 U.S.C. §103 is respectfully requested.

As to the rejection denoted as (10) above of claims 59-65, 68 and 71 under 35 U.S.C. §103(a) over Michael in view of Conway, Michael does not disclose the invention as claimed as set forth above and resubmitted here. As to this rejection, the Examiner also acknowledges that Michael fails to specifically disclose the incorporation of an acrylic polymer or acrylic copolymer. The Examiner relies on Conway as teaching the incorporation of a thickening agent such as polyacrylic (co)polymers. Applicants submit that Conway does not disclose or suggest the invention as claimed and does not make up for the shortcomings of Michael

on the basis as set forth above as to the rejection denoted as (8) and resubmitted here. Neither Michael nor Conway provide any suggestion to modify the teachings of Michael or Conway in order to provide the invention as claimed. Accordingly, Michael in combination with Conway does not render the invention as claimed obvious within the meaning of 35 U.S.C. §103(a). Withdrawal of the §103 rejection is respectfully requested.

As to the rejection denoted as (11) above, claims 59-65 are rejected under 35 U.S.C. §103(a) over Neumiller '681 in view of Conway. The Examiner acknowledges that Neumiller '681 fails to disclose the incorporation of an acrylic polymer or acrylic copolymer as claimed. Applicants resubmit the grounds for distinction as set forth above as to each of Neumiller '681 and Conway as also being applicable hereto. In view of the deficiencies set for the above as to these references, neither Neumiller '681 nor Conway provide any suggestion to modify the teachings thereof in a manner to obtain applicants' claimed composition. Accordingly, Neumiller '681 in combination with Conway does not render the invention as claimed obvious within the meaning of 35 U.S.C §103. Withdrawal of the §103 rejection is respectfully requested.

As to the rejection of dependent claims 61 and 64,

as denoted above as (12), under 35 U.S.C §103(a) over Cummings in the view of Conway, the Examiner acknowledges that Cummings fails to specifically disclose an acrylic copolymer. Each of Cummings and Conway are deficient in teaching the claimed composition as set forth above. Neither Cummings nor Conway provide for the shortcomings of the other in that neither provides any suggestion to modify the teachings therein to achieve the claimed compositions. Thus, Cummings in combination with Conway does not render the claims obvious with the meaning of 35 U.S.C. §103. Withdrawal of the §103 rejection is requested.

In summary, the claimed hard surface cleaning compositions include specified combinations of components which in turn have specified features. The compositions include (1) at least one solvent which is a low volatile non-VOC evaporative organic solvent with a limited water solubility of less than 20% and reduces surface tension of the composition to less than 35 dynes/cm, (2) at least one amphoteric surfactant, (3) at least one co-solvent which is different than (1), (4) at least one aliphatic alcohol and (5) an aqueous carrier, wherein the composition has a VOC content of less than about 4% by weight. Based on the many compounds and possible combinations thereof disclosed in the applied art and lack of suggestion for selecting and

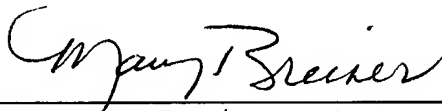
combining the variously disclosed compounds as claimed, in particular in view of the lack of recognition as to the problems addressed by applicants and the specific defining properties claimed as to the respective components to achieve a composition with a VOC content of less than 4% by weight, applicants respectfully submit that the applied art provides no teaching or suggestion for selectively choosing isolated elements in such a manner as to achieve applicants' claimed compositions. None of the applied art teaches each and every element of the claims in order to anticipate the claims under §102. Further, some reasonable basis needs to be provided by the applied art to render the claims obvious within the meaning of §103. No such reason is present. A mere assertion of optimization, in view of the differences described above, is respectfully submitted to be not sufficient under 35 U.S.C. §103.

Reconsideration and allowance of the claims are respectfully urged.

J-3924/USSN 10/822,301
Group Art Unit 1796

Respectfully submitted,

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